

REMARKS

Claims 2, 3, 5, and 10-17 have been cancelled. Claims 1, 7-9, and 18-20 have been amended to clarify the subject matter regarded as the invention. New claims 21-25 have been added. Claims 1, 4, 6-9, and 18-25 are pending.

The Examiner has rejected claim 1 under 35 U.S.C. §103(a) as being unpatentable over Midgley et al. (US 20030074378) (Midgley) in view of Azagury et al. (US 6430580) (Azagury). The rejection is respectfully traversed. Midgley describes using a single process to synchronize files on a primary storage and a backup system. Midgley, ¶¶ [0052]-[0057]. While synchronization and dynamic replication are described by Midgley as being run in parallel, e.g., ¶¶ [0050] and [0058], Midgley does not describe using multiple threads to perform the synchronization, and instead teaches a single “synchronization replication process.” Midgley ¶ [0052]. Azagury describes a data structure (a separate local buffer for each processor/thread that updates data in the “current area”) that enables a single replication-based garbage collection process to run in a multiprocessor system (including by using the single garbage collection process to transfer data to a “reserve area”) without updates to data being lost. Azagury, col. 2, lines 45-50; col. 2, line 66 – col. 3, line 10; col. 3, lines 35-49; and col. 4, line 53 – col. 5, line 8. Neither Midgley nor Azagury, either singly or in combination, describe that a “synchronization operation uses a first processing thread to copy a first file from a first data storage to a second data storage, and a second processing thread to copy a second file from the first data storage to the second data storage, wherein the first file is copied substantially concurrently with the copying of the second file” as recited in amended claim 1. Therefore, claim 1 is believed to be allowable.

Claims 4, 6, and 7 depend from claim 1 and are believed to be allowable for the same reasons described above.

The Examiner has rejected claim 8 under 35 U.S.C. §103(a) as being unpatentable over Midgley in view of Azagury. The rejection is respectfully traversed. Neither Midgley nor Azagury, either singly or in combination, describe that a “synchronization operation uses a first processing thread to copy the first file from the first data storage to a second data storage, and a second processing thread to copy a second file from the first data storage to the second data

storage, wherein the first file is copied substantially concurrently with the copying of the second file” as recited in amended claim 8. Therefore, claim 8 is believed to be allowable.

The Examiner has rejected claim 9 under 35 U.S.C. §103(a) as being unpatentable over Midgley in view of Azagury. The rejection is respectfully traversed. Neither Midgley nor Azagury, either singly or in combination, describe that a “main thread can process a synchronization type of command and a dynamic replication type of command” and that a “synchronization thread is configured to process a command of the synchronization type substantially concurrently with the processing by the main thread of a command of the synchronization type and to not process a command of the synchronization type at a time when the main thread is processing a command of the dynamic replication type” as recited in amended claim 9. Therefore, claim 9 is believed to be allowable.

New claims 21-25 depend from claim 9 and are believed to be allowable for the same reasons described above.

The Examiner has rejected claim 18 under 35 U.S.C. §103(a) as being unpatentable over Midgley in view of Azagury. The rejection is respectfully traversed. Neither Midgley nor Azagury, either singly or in combination, describe that a “main thread can process a synchronization type of command and a dynamic replication type of command” and that a “synchronization thread is configured to process a command of the synchronization type substantially concurrently with the processing by the main thread of a command of the synchronization type and to not process a command of the synchronization type at a time when the main thread is processing a command of the dynamic replication type” as recited in amended claim 18. Therefore, claim 18 is believed to be allowable.

The Examiner has rejected claim 19 under 35 U.S.C. §103(a) as being unpatentable over Midgley in view of Azagury. The rejection is respectfully traversed. Neither Midgley nor Azagury, either singly or in combination, describe that a “synchronization operation uses a first processing thread to copy a first file from a first data storage to a second data storage, and a second processing thread to copy a second file from the first data storage to the second data storage, wherein the first file is copied substantially concurrently with the copying of the second file” and “performing a real-time replication operation wherein the real-time replication operation updates the first copied file and the second copied file in an order determined at least

in part by an order in which changes were made to the first file and the second file, respectively, as stored in the first data storage” as recited in amended claim 19. Therefore, claim 19 is believed to be allowable.

The Examiner has rejected claim 20 under 35 U.S.C. §103(a) as being unpatentable over Midgley in view of Azagury. The rejection is respectfully traversed. Neither Midgley nor Azagury, either singly or in combination, describe that a “main thread can process a synchronization type of command and a dynamic replication type of command” and that a “synchronization thread is configured to process a command of the synchronization type substantially concurrently with the processing by the main thread of a command of the synchronization type and to not process a command of the synchronization type at a time when the main thread is processing a command of the dynamic replication type” as recited in amended claim 20. Therefore, claim 20 is believed to be allowable.

Reconsideration of the application and allowance of all claims are respectfully requested based on the preceding remarks. If at any time the Examiner believes that an interview would be helpful, please contact the undersigned.

Respectfully submitted,

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